

RESOLUTION NO. 49-16

**RESOLUTION AMENDING CHAPTER 54, ARTICLE III, DIVISION 1,
SECTIONS 54-77, TRAFFIC AND VEHICLES,
OF THE FOND DULAC COUNTY CODE**

WHEREAS, the Fond du Lac County Board of Supervisors adopted Chapter 54 of the Fond du Lac County Code pertaining to traffic and vehicles, and

WHEREAS, Sections 54-76 and 54-77 of the Fond du Lac County Code adopts, by reference, sections of Wis. Stats. Chapters 23, 174, 340-348 and 350, and all MVD and TRANS chapters of the Wis. Admin. Code, including Wis. Stat. §23.33 relating to all-terrain vehicles and utility terrain vehicles, and

WHEREAS, Wisconsin Statute §23.33(8) allows counties with respect to highways under their jurisdiction to designate highways as all-terrain vehicle routes and, pursuant to Wis. Stat. §23.33(11), counties may enact ordinances regulating all-terrain vehicles and utility terrain vehicles on said designated trails in conformance with Wis. Stat. §23.33, and

WHEREAS, Section 54-77 of the Fond du Lac County Code lists outdated penalties for violations of Article III, All-Terrain Vehicles, in Chapter 54 of the Fond du Lac County Code, and

WHEREAS, in order to assure safe use of all-terrain vehicles and utility terrain vehicles, Fond du Lac County staff recommends the following amendments to Chapter 54 be incorporated and adopted into the Fond du Lac County Code:

Sec. 54-77 Statutory Authority.

1. This route is created pursuant to §23.33(8)(b), §23.33(11), and §59.02, Wis. Stats.
2. In addition, the provision of §23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR64 regulating all-terrain vehicle operations are hereby adopted.

Sec. 54-78 Purpose or Intent.

1. Fond du Lac County adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) ordinance and routes for the operation of ATVs and UTVs upon the highways listed in Section 54-81.
2. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Sec. 54-79 Requirements.

1. Any request for an ATV or UTV route must be submitted to the Highway Department in writing and must be accompanied by a supporting resolution of the municipality the ATV or UTV route is located. The submittal letter must contain the county highway involved, the period of the year for which the route is being requested, and the beginning and end location.
2. The request must indicate the need for the route.
3. The request must indicate which ATV or UTV group will be responsible for purchasing signs and maintenance of signs and name the contact person who will be responsible for this activity.
4. The ATV or UTV group requesting the county highway road use shall be responsible for installing and maintaining appropriate signage subject to the approval of the Fond du Lac County Highway Commissioner.
5. Any requested route must connect two trails or provide access to a service center.
6. Any request must be accompanied by a work in the right of way permit application with associated fee and highlighted map illustrating the connecting route.

Sec. 54-80 Routes.

1. The County Board and/or Highway Committee or Highway Commissioner may revoke any route at any time for any reason.
2. The following roads are designated as routes:
 - a. CTH B (Town of Osceola) Beginning at Sheehan Lake Lane proceeding northeast 1.0 mile to Log Cabin Road.
 - b. CTH F (Town of Osceola) Beginning at Vista Drive proceeding east 0.10 miles to First Street.
 - c. CTH G/Main Street (Town of Marshfield, Village of St. Cloud) Beginning at Clark Street proceeding south 0.60 miles to Palm Tree Road.
 - d. CTH C (Town of Marshfield) Beginning at Palm Tree Road proceeding easterly for 0.15 miles to Division Road.
3. Said routes are further described and identified by the attached maps.

Sec. 54-81 Conditions.

The operation of ATVs or UTVs on any portion of a County highway designated as an ATV and/or a UTV route is subject to the following:

1. Operators and passengers, when applicable, shall comply with all federal, state, and local applicable laws, orders, regulations, restrictions and rules, including Section 23.33, Wis. Stat., and Wisconsin Administrative Code NR 64.
2. ATV and UTV operators will be required to follow the posted speed limit or maximum speed of 35 miles per hour.
3. ATV and UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
4. ATV and UTV operators are required to have applicable liability insurance.
5. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved surface.
6. ATV and UTV operators shall ride single file.
7. ATVs and UTVs may be operated on the designated route if, and only if, routes are signed in accordance with NR 64.12(7), DNR guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including Wisconsin's Supplement.

Sec. 54-82 Enforcement.

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Sec. 54-83 Penalties.

The penalties found in s. 23.33 (13)(a) Wis. Stats., are adopted by reference.

Sec. 54-84 Severability.

The provision of this ordinance shall be deemed severable and it is expressly declared that Fond du Lac County would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Sec. 54-85 Effective Date.

This ordinance becomes effective upon passage and publication.

NOW, THEREFORE, BE IT ORDAINED by the Fond du Lac County Board of Supervisors that Sections 54-77 be repealed and Sections 77-85 as indicated be hereby adopted and added to Chapter 54 of the Fond du Lac County Code.

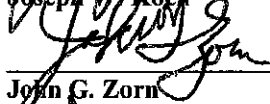
BE IT FURTHER ORDAINED that this amendment be effective upon publication in the county's newspaper of record.

Dated October 18, 2016

**SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE**



Joseph W. Koch



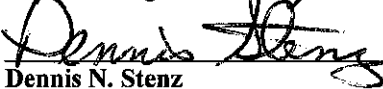
John G. Zorn



Steven A. Abel




Karen Madigan



Dennis N. Stenz

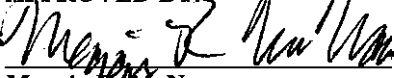
FISCAL NOTE: This resolution does not require an appropriation from the county general fund.

APPROVED BY:



Allen J. Buechel
COUNTY EXECUTIVE

APPROVED BY:



Meggin R. McNamara
CORPORATION COUNSEL

For more information on ATV signing and the State policy and guidelines regarding ATV routes see the below links:

WisDOT ATV Route Policy

[ATV ROUTE Policy](#)

DNR Trail Signing Handbook:

<http://dnr.wi.gov/files/PDF/pubs/cf/CF0023.pdf>

Crossing warning signs W11-50:

<http://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/wseries/W11-50.pdf>

ATV Route Signs D11-10:

<http://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/dseries/D11-10.pdf>

ATV Route Sign Arrows M7:

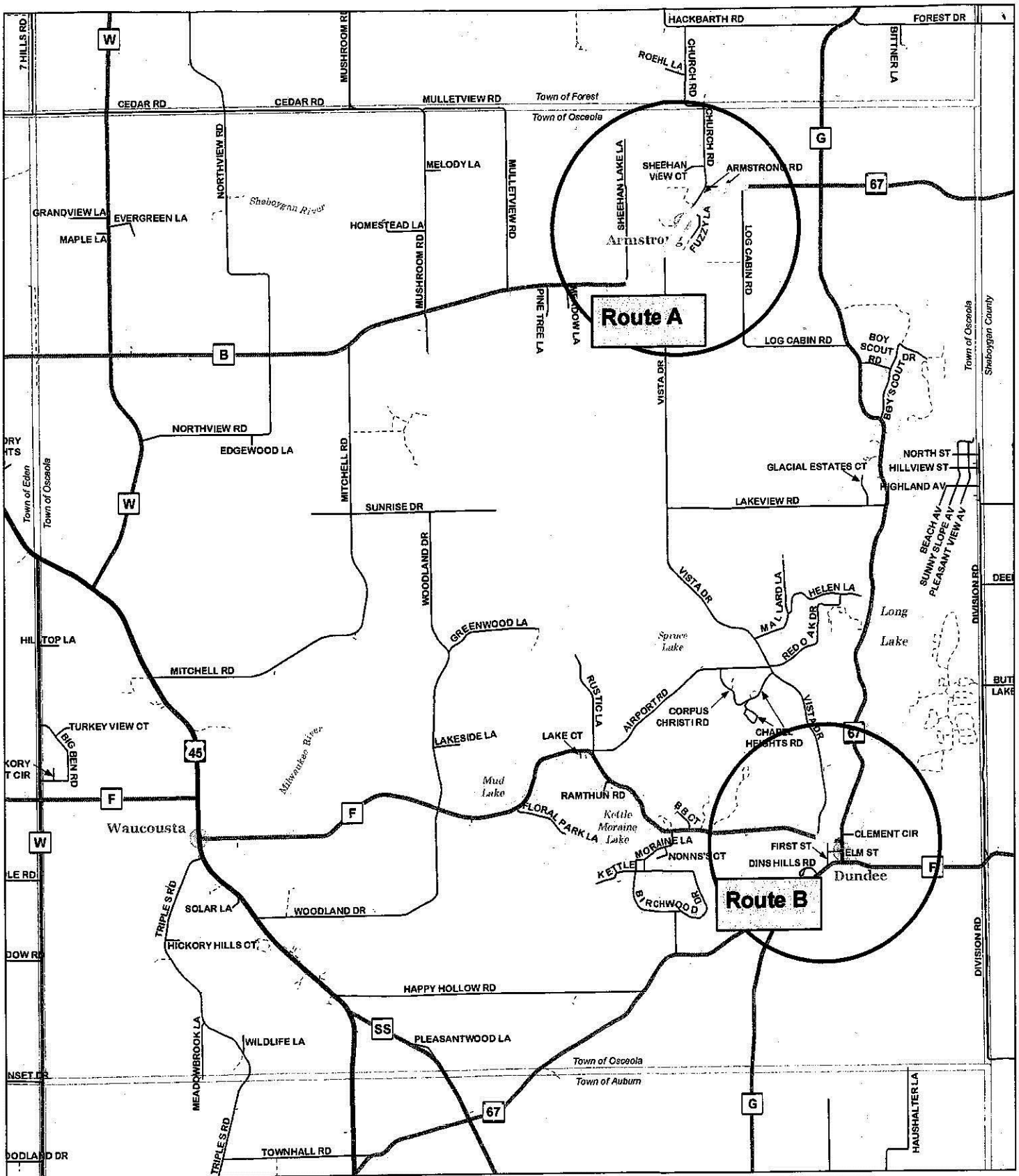
<http://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/mseries/M7-1.pdf>

Mounting Height and offset details:

<http://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/aseries/A4-3.pdf>

WisDOT Permit Application

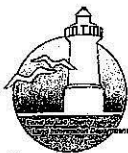
[Permit Application - see last page for form](#)



Town of Osceola Road Map

- US Highway
- State Highway
- County Highway
- Town Road
- City/Village Road
- Private Driveway/Road
- Town Boundary
- City/Village
- Unincorporated Village
- Open Water
- Waterways

0 2,000 4,000 6,000 Feet



Prepared by:
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Coordinate System: WISCRS, Fond du Lac County
Map Printing Date: May 2015

This map was produced using information from the Fond du Lac County GIS.
If you discover any discrepancies on this map please contact the Land Information Department.
Fond du Lac County assumes no liability for the accuracy of this map or any use or misuse of its contents.



Ripon	Rosendale	Edgemoor	Franklin	Calumet
Waukesha	Springdale	Lomaxville	Fond du Lac	Marshall
Alto	Wausau	Oakfield	Byron	Empire
				Forest
				Ashford
				Auburn

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options		
FARRELL	AYE	GIESE	AYE					
G. WILL	AYE	FENRICK	AYE					
MADIGAN	AYE	SCHROEDER	AYE					
M. WILL	AYE	MYRECHUCK	AYE					
EVERSON	AYE	LEVANDOWSKI	AYE					
DORNBROOK	AYE	ZORN	AYE					
KAUFMAN	AYE	ALDRICH	AYE					
SIMON	AYE	D. WILL	AYE					
KOCH	AYE	KOLSTAD	AYE					
DEPPERMAN	AYE	RYAN	(M) AYE					
ABEL	(2) AYE	HAYES	AYE					
STENZ	AYE	GOLDSMITH	AYE					
SCHNEIDER	AYE							
9A Res. 49-16	Passed (25 Y - 0 N - 0 A - 0 Absent)						Majority Vote	

